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14
15 **UNITED STATES DISTRICT COURT**

16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 **Eduardo Munoz**, individually and on
18 behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 **7-Eleven, Inc.**, a Texas corporation

22 Defendant.
23
24

Case No. 2:18-cv-03893-RGK-AGR

**PLAINTIFF'S REPLY TO
DEFENDANT'S ADDITIONAL
UNCONTROVERTED FACTS**

Date: May 20, 2019

Time: 9:00 a.m.

Judge: Hon. R. Gary Klausner

Place: Courtroom 850

25 Complaint Filed: May 9, 2018
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Plaintiff Edwardo Munoz (“Plaintiff” or “Munoz”) hereby submits this Reply to Defendant’s Additional Uncontroverted Facts, included in Defendant’s Response to Plaintiff’s Statement of Uncontroverted Facts and Conclusions of Law in Support of Motion for Summary Judgment (Dkt. 73-1). The following additional facts, presented by Defendant as uncontroverted, are misrepresented or otherwise are in dispute:

UNCONTROVERTED FACTS	SUPPORTING EVIDENCE
26. When Plaintiff actually read the Form in its entirety, he understood it.	See Trotter Decl. ¶¶ 2 and 4, Ex. A at 134:2-13, 137:10-138:3, 150:13-165:12, in particular 164:21-165:4, and Ex. C.

Plaintiff’s Reply:

Defendant’s characterization of this “undisputed fact” is misleading and unsupported for three reasons. First, Plaintiff has already disputed this fact in his Statement of Genuine Disputes of Material Fact (Dkt. 71-1). Second, Defendant’s characterization of Munoz’s deposition as the first time he “actually read” or attempted to understand the form is plainly contradicted by his testimony—to the extent that he read the form when signing it, Plaintiff was confused:

- Munoz was confused about the purpose of the form, believing it was a simple background check authorization that would not extend to investigative interviews. (Dkt. 71-3, at 140:7–141:18; 142:9–21; 143:19–144:7; 168:2–169:1.)
- Munoz was confused by the title of the form. (Dkt. 71-3, 145:16–146:20.)
- Munoz was confused about the different types of reports mentioned in the form. (Dkt. 71-3, at 147:16–148:21.)

1 Third, and as Defendant acknowledged in its Reply to Plaintiff's Statement of
2 Genuine Disputes of Material Fact (Dkt. 72-1), Munoz testified that he was *still*
3 confused by several aspects of the form, even after an exacting review during the
4 deposition:

- 5 • At his deposition, Munoz still did not understand the different types of
6 reports mentioned in the form. (Dkt. 71-3, at 146:5–15; 148:1–6.)
- 7 • At his deposition, Munoz still did not understand what type of “report” he
8 had authorized. (Dkt. 71-3, at 157:3–23.)

9 Dated: May 6, 2019

By: /s/ Steven L. Woodrow
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on May 6, 2019.

/s/ Steven L. Woodrow